

Platt, Monica

From: Jason Rabinovich <jason@rslawgroup.com>
Sent: Wednesday, May 18, 2022 4:57 PM
To: Platt, Monica
Cc: Oleg Sokolov; Correll, Francis
Subject: Re: Velez Enterprises v. KVK, et al - discovery

Monica,

We disagree that any precedential case you cited is applicable, or would extend, to the circumstances of our case. You will have to raise this issue with the court.

--

Jason Rabinovich, Esq.
Managing Partner



Rabinovich Sokolov Law Group
1700 Market Street
Suite 1005
Philadelphia, PA 19103
(215) 717-2200
jason@rslawgroup.com

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On May 18, 2022, at 3:29 PM, Platt, Monica <MPlatt@klehr.com> wrote:

Jason,

As we have previously informed you, via correspondence on March 9 (which is attached for reference), KVK hired OQSIE at the direction of KVK's counsel to assist in responding to the Warning Letter. Moreover, as already laid out more fully in the attached correspondence, the work product privilege clearly protects against disclosure of materials prepared by consultants and other agents. *See, e.g., Martin v. Bally's Park Place Hotel & Casino*, 983 F.2d 1252, 1260-62 (3d Cir. 1993). The fact that counsel may not have requested changes to OQSIE's work does not alter the nature of the engagement. As such, we cannot agree to limit the confidentiality stipulation as you suggest.

Monica

From: Jason Rabinovich <jason@rslawgroup.com>
Sent: Monday, May 16, 2022 3:50 PM
To: Platt, Monica <MPlatt@klehr.com>
Cc: Oleg Sokolov <oleg@rslawgroup.com>; Correll, Francis <FCorrell@klehr.com>
Subject: Re: Velez Enterprises v. KVK, et al - discovery

Monica,

We cannot agree to this revision. Is it your clients' position that all of plaintiff's work was performed "at the direction of and in consultation with KVK's counsel"?

Per our client, KVK's counsel did not direct the work Plaintiff performed for KVK. He merely reviewed some of the documents that Plaintiff created but did not request Plaintiff to change any material content in those documents.

--

Jason Rabinovich, Esq.
Managing Partner

<image001.png>

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On May 16, 2022, at 3:05 PM, Platt, Monica <MPlatt@klehr.com> wrote:

Jason,

Attached is a revised draft of the stipulation. I accepted all of your changes with the exception of the highlighted text below. Please let me know if you are OK with me

adding your signature and submitting this to Judge Baylson. And apologies for getting your name wrong in the signature block!

WHEREAS, this action involves work performed by Plaintiff and others for KVK to respond to issues raised in a warning letter from the Food and Drug Administration to KVK dated February 11, 2020 (the "Warning Letter") that was performed, in part, at the direction of and in consultation with KVK's counsel resulting in the creation of certain documents and communications protected by the attorney/client and/or work-product privileges

Thank you,
Monica

From: Jason Rabinovich <jason@rslawgroup.com>
Sent: Friday, May 13, 2022 1:14 PM
To: Platt, Monica <MPlatt@klehr.com>
Cc: Oleg Sokolov <oleg@rslawgroup.com>; Correll, Francis <FCorrell@klehr.com>
Subject: Re: Velez Enterprises v. KVK, et al - discovery

Monica,

Please find attached red-lined stip with several changes. Please advise if these are acceptable to you and your clients.

--

Jason Rabinovich, Esq.
Managing Partner

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On May 9, 2022, at 5:05 PM, Jason Rabinovich <jason@rslawgroup.com> wrote:

Hi Monica,

Oleg and I been tied up with hearings/trials for the last week. I'll review the confidentiality agreement over the next few days and provide you any comments so we can finalize it.

On May 9, 2022, at 9:40 AM, Platt, Monica <MPlatt@klehr.com> wrote:

Jason & Oleg,

Following up on this confidentiality agreement. Please let us know if you have any comments so that we can provide this to the court.

Monica

From: Platt, Monica
Sent: Wednesday, May 4, 2022 11:49 AM
To: Jason Rabinovich <jason@rslawgroup.com>
Cc: Oleg Sokolov <oleg@rslawgroup.com>; Correll, Francis <FCorrell@klehr.com>
Subject: RE: Velez Enterprises v. KVK, et al - discovery

Jason,

A draft confidentiality stipulation is attached. Please let us know if you have any comments.

Monica

From: Jason Rabinovich <jason@rslawgroup.com>
Sent: Friday, April 22, 2022 11:21 AM
To: Platt, Monica <MPlatt@klehr.com>
Cc: Oleg Sokolov <oleg@rslawgroup.com>; Correll, Francis <FCorrell@klehr.com>
Subject: Re: Velez Enterprises v. KVK, et al - discovery

Hi Monica,

We agree to hold off producing our discovery responses and responsive documents until a confidentiality

agreement is in place. We will look for your draft next week.

Regarding the settlement demand, we are still discussing it with our client and hope to get back to you next week.

Thank you.

--

Jason Rabinovich, Esq.
Managing Partner

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On Apr 22, 2022, at 10:03 AM, Platt, Monica <MPlatt@klehr.com> wrote:

Oleg & Jason,

We are in the process of drafting a confidentiality agreement, and expect to have a draft over to you next week. In light of that and given that your discovery responses are due today, we think it makes sense to hold off on

producing responsive documents for another week.

Did you hear anything back from your client with respect to a settlement demand?

Monica

From: Oleg Sokolov
<oleg@rslawgroup.com>
Sent: Tuesday, April 5, 2022 2:27 PM
To: Platt, Monica <MPlatt@klehr.com>
Cc: Jason Rabinovich
<jason@rslawgroup.com>; Correll,
Francis <FCorrell@klehr.com>
Subject: Re: Velez Enterprises v. KVK, et al - discovery

Ok great. Thank you. What time is good for a call and what's best number to reach you on?

Oleg Sokolov, Esq.
Managing Partner

1700 Market Street, Ste. 1005
Philadelphia, PA 19103
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oleg@rslawgroup.com
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This message was sent from a mobile device. Please excuse any errors.

On Apr 5, 2022, at
12:14 PM, Platt, Monica
<MPlatt@klehr.com>
wrote:

Oleg,
I am checking with the
client on the extension.
I'm available this
afternoon for a call.

Monica

From: Oleg Sokolov
<oleg@rslawgroup.com>
Sent: Tuesday, April 5, 2022 11:39 AM
To: Platt, Monica
<MPlatt@klehr.com>
Cc: Jason Rabinovich
<jason@rslawgroup.com>; Correll, Francis
<Correll@klehr.com>
Subject: Re: Velez
Enterprises v. KVK, et al
- discovery

Hi Monica,

Our client is working through getting all of the requested information together and may need a little bit more time. We would like to request an extension to respond to discovery until 4/22.

Also, please let me know if you are

available for a call
today or tomorrow
about this
matter. Would like to
discuss a few things
with you.

Thank you so much,
Oleg Sokolov,
Esq.
Managing Partner

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On Mar
9, 2022,
at 3:55
PM,
Platt,
Monica

<MPlatt@klehr.com>
wrote:

Counsel
,

Please
see
attache
d
corresp
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ry
request
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directe
d to
OQSIE.

Thank
you,
Monica

MONICA CLARKE PLATT
PARTNER

<image001.jpg>**KLEHR HARRISON HARVEY BRANZBURG LLP**
1835 Market Street | Suite 1400 | Philadelphia, PA
[t 215.569.3006](tel:215.569.3006) | [f 215.568.6603](tel:215.568.6603)
mplatt@klehr.com

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<2022-05-16 draft confidentiality stip(10003479.2).docx>

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